

REGULAR CITY COUNCIL MEETING
AUGUST 24, 1998

PRESENT

R. Dale Roper
Wesley Bloomfield
Gayle Bunker
Bruce Curtis
Robert Dekker
Glen Swalberg

Mayor
Council Member
Council Member
Council Member
Council Member
Council Member

ABSENT

Dorothy Jeffery
Neil Forster

City Recorder
Public Works Director

ALSO PRESENT

Richard Waddingham
Alan Riding
Judy Baker
Karen Johnson
Greg Schafer
Ken Clark
Blaine Ipson
Derin Phelps
Curt Crosby

City Attorney
Asst. Public Works Director
City Treasurer
City Employee
City Employee
City Employee
Intermountain Power Agency (IPA)
Millard County Chronicle/Progress
KNAK Radio

Mayor Roper called the meeting to order at 7:00 p.m. In the absence of Dorothy Jeffery, City Recorder, Karen Johnson acted as Secretary. Mayor Roper stated that notice of the meeting time, place, and agenda was posted at the principal office of the governing body, located at 76 North 200 West, and was provided to the Millard County Chronicle/Progress, KNAK Radio, and to each member of the City Council, by personal delivery, at least two days prior to the meeting.

Council Member Gayle Bunker offered an invocation, after which Mayor Roper led the Council in the Pledge of Allegiance.

MINUTES

The proposed minutes of Public Hearing #1 held August 10, 1998 were presented for consideration and approval.

Council Member Gayle Bunker noted a minor error in paragraph 3.

Council Member Gayle Bunker MOVED to approve the minutes of Public Hearing #1, held August 10, 1998, as corrected. The motion was SECONDED by Council Member Wesley Bloomfield. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of Public Hearing #2 held August 10, 1998 were presented for consideration and approval.

Council Member Gayle Bunker noted a minor error in paragraph 3.

Council Member Gayle Bunker MOVED to approve the minutes of Public Hearing #2, held August 10, 1998, as corrected. The motion was SECONDED by Council Member Glen Swalberg. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of a Regular City Council Meeting held August 10, 1998 were presented for consideration and approval.

Council Member Gayle Bunker requested that a sentence be relocated in a paragraph 6 on page 4 in order to clarify information in the paragraph.

Council Member Gayle Bunker MOVED to approve the minutes of the Regular City Council Meeting held August 10, 1998, as corrected. The motion was SECONDED by Council Member Wesley Bloomfield. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a copy of which had been given to them two days prior to the meeting. Following review, Council Member Gayle Bunker MOVED to approve the accounts payable, in the amount of \$75,790.48. The motion was SECONDED by Council Member Glen Swalberg. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a motion. The motion passed unanimously.

UNFINISHED BUSINESS

There were no items of unfinished business on the agenda.

NEW BUSINESS

BLAINE IPSON, INTERMOUNTAIN POWER AGENCY: IPA WATER BANK/WATER RIGHTS

Mr. Blaine Ipson, of Intermountain Power Agency, explained to the Council that he had been talking with Public Works Director Neil Forster regarding the Water Bank Agreement. The Water Bank was set up in 1982 as part of a Community Impact Mitigation process. The Water Bank was formed by purchase of two water rights which were dedicated and set aside for municipal use within Delta City for the new growth which would be attributed to the Intermountain Power Plant being built in the area. The agreement contained certain terms and conditions relating to termination of the agreement. However, both Delta City and IPA determined that it would be beneficial to continue the Water Bank so, in 1993, the agreement was amended to allow continuation of the Water Bank.

The Water Bank consists of two water rights having a total of 828.39 acre feet remaining in IPA's name. These rights are being held by pending Change Applications which means that every several years, IPA must complete a Request for Extension of Time to be submitted to the Utah State Engineer's office in order to maintain the status of the Change Applications. Mr. Ipson explained that IPA has received a September 30, 1998 deadline for which to submit a Request for Extension of Time and requested that Delta City provide a Letter of Support for attachment to IPA's Request for Extension of Time. IPA feels that it is in the best interest of Delta City, and IPA, to keep the Water Bank rights in place and keep the block of approximately 828 acre feet available for use within Delta City for future development.

In addition, Mr. Ipson reported that he had received a telephone call from a farmer who would like to know if there is any interest in leasing a portion of the water rights in the Water Bank for agricultural use until such time as Delta City needs the water for municipal use. The Council requested that Mr. Ipson discuss with City Attorney Richard Waddingham the possibility of leasing a portion of the water right.

Council Member Gayle Bunker MOVED to authorize Mayor Roper to provide a letter of support for the IPA Request for Extension of Time on the two Water Bank rights dedicated to Delta City to be sent to State Engineer Robert Morgan. The motion was SECONDED by Council Member Glen Swalberg. Mayor Roper asked if there were any comments or questions regarding the motion.

Council Member Wesley Bloomfield requested that the record show his statement that he may have a conflict of interest inasmuch as he works for Intermountain Power Service Corporation, an affiliate of Intermountain Power Agency, but he intends to vote on the matter. Mayor Roper called for a vote. The motion passed unanimously.

ALAN RIDING, ASSISTANT PUBLIC WORKS DIRECTOR: PURCHASE OF BUCKET TRUCK

Assistant Public Works Director Alan Riding advised the Council that, due to time limitations, the bids provided for the three bucket trucks which are becoming available are hand written. The three trucks are being traded in by Kansas City Light & Power and the booms will be thoroughly checked and receive any needed repairs prior to being sold. The three trucks are basically the same, except for mileage. Mr. Riding proposed that Delta City purchase the truck with the lowest mileage

(118,260). The truck is a 1991 1½ ton truck with a diesel engine, having a 35' bucket with a weight capacity of 300 lbs. The truck is insulated, meaning the controls are insulated from the truck for working around electrical power. The price quoted is \$29,500 FOB St. Joseph, Missouri. Initially, an additional \$2,500 was required to have the truck delivered to Delta. During further conversations with Dave Lee of Altec Industries, it was agreed that for an additional \$500 (a total of \$30,000) the truck would be delivered to Salt Lake City and painted to match Delta City's color.

The bucket truck which Delta City currently owns is approximately 10% useable. The motor is in need of replacement, the controls on the bucket are bleeding off and the truck is very close to being completely worn out.

Following discussion, Council Member Robert Dekker MOVED to approve purchase of the truck recommended by Assistant Public Works Director Alan Riding from Altec Industries at a price of \$30,000 delivered to Salt Lake City and painted to match Delta City's color. The motion was SECONDED by Council Member Gayle Bunker. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

COUNCIL MEMBER GAYLE BUNKER: PROPOSED SINGLE LOT SUBDIVISION AT 311 SOUTH CENTER STREET

Council Member Gayle Bunker advised the Council that Paul Morris has approached the Planning & Zoning Commission with a request to subdivide the lot on which is his father's home is located from the balance of the property owned by his father. The purpose of this single lot subdivision is to allow the family to sell either the home, or the remaining property, independently of one another.

The Planning & Zoning Commission referred this matter to the City Council for the purpose of setting a public hearing to receive public comment on the proposed single lot subdivision and recommended approval of the single lot subdivision, with the condition that an Off-Site Improvement Agreement be signed guaranteeing participation in any future curb, gutter and sidewalk improvements in the area.

Following discussion, Council Member Gayle Bunker MOVED to set a public hearing for Monday, September 14, 1998 at 6:45 p.m. for the purpose of receiving public comment regarding the proposed single lot subdivision at 311 South Center (Morris Single Lot Subdivision). The motion was SECONDED by Council Member Glen Swalberg. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR R. DALE ROPER: PROPOSED SALE OF INSIGHT CABLE TELEVISION FRANCHISE TO TCI

Mayor Roper noted that Mr. Don Sutton, of Insight Cable Television, had planned to attend the meeting but was not able to attend due to illness.

City Attorney Richard Waddingham noted that there is a clause in the proposed resolution provided by Insight, which directly conflicts with the Delta City Ordinance. The Delta City Ordinance requires that the Council agree to the transfer in writing. Prior to transfer of the franchise to Insight Cable, Delta City did a background check on Insight, to make certain they had adequate assets and solvency, and required evidence of insurance showing Delta City as an additional insured.

Mr. Waddingham advised the Council to postpone approval of this transfer until additional information and evidence of insurance can be obtained.

Following discussion, Council Member Wesley Bloomfield MOVED to table action on this item until the next City Council Meeting, scheduled for September 14, 1998, and request that City Attorney Waddingham obtain the necessary information from Insight and TCI in order to have the resolution available for approval at the next City Council Meeting. The motion was SECONDED by Council Member Robert Dekker. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR R. DALE ROPER: COMPUTER UPGRADE FOR YEAR 2000 COMPATABILITY

Mayor Roper reminded the Council that this item was discussed during budget preparation and funds were allocated for the computer upgrade. We have received a proposal from Caselle, Inc., which specializes in municipal programs, for the necessary computer upgrade. Caselle, Inc. has recently completed an agreement with Tooele City, which extends their installation schedule into late November. We need to make a commitment and get on their schedule as soon as possible because technical support on the current computer system will expire on December 31, 1998. Mayor Roper requested that the Council approve the proposal from Caselle, Inc. so that we can get on their schedule as soon as possible.

Mayor Roper explained that we currently have two work stations which cannot access the network, one which cannot access some of the necessary programs, and problems with payroll processing, as well as some of the other programs.

Following discussion, Council Member Robert Dekker MOVED to approve purchase of computer software and services as proposed by Caselle, Inc. of Spanish Fork, Utah. The motion was SECONDED by Council Member Wesley Bloomfield. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR R. DALE ROPER: VAN'S HALL HISTORICAL PROJECT

Mayor Roper asked Council Member Glen Swalberg to report on this matter. Council Members received a copy of notes from a meeting held on Friday, August 14, 1998, which was attended by Council Member Glen Swalberg, Council Member Bruce Curtis, Mayor Roper, Ed and Sharron Lamb, representing Great Basin Museum, Diane Chidester, and Al and Rebecca Reeve, friends of Diane Chidester.

Council Member Swalberg reminded the Council that several months ago, the Utah Historical Society wanted to begin the restoration project on Van's Dance Hall, which has been listed on the National Historic Register as well as the State Historic Register. The State of Utah sent engineers to Delta to determine what the renovation project would entail. It was determined that the roof needs immediate replacement in order to avoid further damage and deterioration.

The owner of the building does not have sufficient funds to replace the roof at this time. The State of Utah has committed a \$4,500 grant to Delta City, as registered grant recipient, toward roof replacement. In addition, Diane Chidester, owner of the building, has committed \$2,000, Delta City, Great Basin Museum, and Millard County have each committed \$1,000 toward the roof replacement project, for a total of \$9,500.

It was originally expected that the roof replacement would cost \$10,000 - \$12,000. Council Member Swalberg requested bids for the replacement and found that, because the roof is tri-level, the very minimum cost of replacement will be \$20,000.

The cost of roof replacement was discussed at the meeting held on Friday, August 14, 1998. The discussion went well until a question was raised regarding what kind of protection the public entities would have if public monies were put into restoration of the historical building, then the owner's family decided to sell the property. Ms. Chidester stated that she would be willing to sign an agreement requiring approval of the public entities prior to any sale of the property.

A discussion was also conducted regarding the additional funds necessary for restoration of the building and what would be required to make the building accessible to the public. Also, discussed was the fact that there are no guarantees that the restoration would ever be completed.

Council Member Glen Swalberg requested that the Council make a determination as to whether or not Delta City wants to assume responsibility for getting the roof replacement done and making certain that the historical building be retained as a point of interest in Delta City.

City Attorney Richard Waddingham reported that he had talked with Roger Roper, the Utah State representative who oversees this type of project. Mr. Roper indicated that a matching grant for roof repair could be obtained, up to a limit of \$5,000. Also discussed was buying the building vs. leasing the building, vs. entering into a restrictive contract agreement. Attorney Waddingham's concern with either a purchase or lease would be that any change of ownership may require additional maintenance, insurance, safety concerns, etc. There was also a questions as to whether, if the restoration is complete, does the Americans with Disabilities Act apply, causing additional expenditures in order to comply with ADA requirements. At this time, Attorney Waddingham does not have an answer to that question.

The option of a restrictive covenant agreement would present problems if someone were to obtain a judgment against the owners and attach the property. The contract would then probably not protect the interest of the public entity inasmuch as the contract would be with the owner of the property.

Attorney Waddingham advised the Council to consider whether or not this is a project which taxpayers would want the Council to expend public funds on.

Mayor Roper expressed concern regarding the possibility of using Delta City's name for fund raising for restoration of the building and then the property being sold. Representatives of both Great Basin Museum and Delta City explained, at the August 14th meeting, that they would not be involved in maintaining or operating the property.

Following discussion, Council Member Gayle Bunker MOVED that Delta City not become further involved in the restoration project of Van's Dance Hall than the \$1,000 which was previously committed for roof repair. The motion was SECONDED by Council Member Glen Swalberg. Council Member Glen Swalberg noted that Delta City is designated as the agent for the State of Utah grant. Mayor Roper asked if there were any other comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

CITY ATTORNEY RICHARD WADDINGHAM: RATIFICATION OF CHANDLER SUBDIVISION

City Attorney Waddingham told the Council that he had requested this item be brought back before the Council as a formality. There appears to have been some miscommunication on the proper procedure for subdividing property. In this instance, the property was sold, prior to being subdivided, then the new owner followed the procedure for subdividing the property. The proper procedure would be for the property to be subdivided prior to sale of the property.

Attorney Waddingham expressed concern over allowing property owners to sell property first and establish a subdivision later, which could set a dangerous precedent for establishing future subdivisions. In this particular case, the parties' failure to comply with the Subdivision Ordinance was unintentional, based on a miscommunication between them and certain City officials. Attorney Waddingham requested that the Council formally waive the procedural requirements of the Subdivision Ordinance, in this case only, to avoid the economic hardship it would otherwise impose on the parties. Attorney Waddingham also explained that it was important that the City strictly enforce its Subdivision Ordinance. He stated that selling a parcel of property prior to subdividing is a Class B misdemeanor, which has been enforced in the past and will be enforced in the future.

Following discussion, Council Member Gayle Bunker MOVED to waive the formal requirements of the Delta City Subdivision Ordinance for the Chandler One Lot Subdivision only, based on the undue economic hardship which would be caused to the parties, and to ratify approval of the Chandler One Lot Subdivision. The motion was SECONDED by Council Member Glen Swalberg. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR R. DALE ROPER: UPDATE ON PRISON PROPOSAL

Mayor Roper advised the Council that he had talked with Michael Murphy, of Management & Training Corporation, regarding the private prison which they are planning to locate in Millard County. Mayor Roper reported that, because of the time frame involved, Mr. Murphy is not interested in pursuing a Delta City proposal. Mayor Roper stated that Mr. Murphy is looking at possible locations in McCornick and Kanosh, inasmuch as he is interested in working with Millard County.

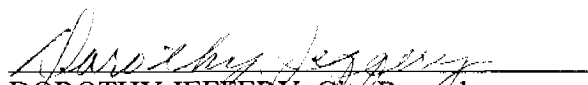
Council Member Wesley Bloomfield requested the record state that he is not in favor of locating a prison within or near the Delta City limits.

OTHER BUSINESS

Mayor Roper asked if there were any comments, questions, or other items to be discussed. There being none, Council Member Gayle Bunker MOVED to adjourn the meeting. The motion was SECONDED by Council Member Robert Dekker. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Mayor Roper declared the meeting adjourned at 8:25 p.m.


R. DALE ROPER, Mayor


DOROTHY JEFFERY, City Recorder

MINUTES APPROVED: RCCM 09-14-98